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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 21 1992

EPA Region 5 Records Ctr.



355876

Bharat Mathur, Chief
Bureau of Air
Illinois Environmental Protection Agency
P.O. Box 19276
2200 Churchill Road
Springfield, Illinois 62794-9276

RECEIVED
Copy of Sullivan (R-1)
@ MAY R-1 file
OK: CAR-18J
SEP 23 1992

REPLY TO THE ATTENTION OF:

ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
STATE OF ILLINOIS

Re: Violations of the Clean
Air Act, the Sherwin-Williams
Company, Chicago, Illinois

Dear Mr. Mathur:

Enclosed is a copy of a Notice of Violation (NOV) issued this date by the United States Environmental Protection Agency (U.S. EPA) to the Sherwin-Williams Company. The company was found in violation of Federal revisions to the Illinois State Implementation Plan (SIP) pertaining to "Paint and Ink Manufacturing". 40 C.F.R. § 52.741(s). The company also failed to obtain permits for several emission sources, as required by Rule 103, an approved part of the Illinois SIP. 37 Fed. Reg. 10862.

This NOV has been issued pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) which provides in part:

Whenever, on the basis of any information available to the Administrator, the Administrator finds that any person is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the person in violation of the plan and the State in which the plan applies of such finding.

Specifically, the Sherwin-Williams Company operated subject process tanks without lids, failed to conduct leak detection inspections, failed to repair leaking pumps within 15 days, and failed to maintain proper records of leak repairs, all of which are required by 40 C.F.R. § 52.741(s). In addition, the company failed to obtain construction and operation permits for storage tanks, filling equipment, solvent reclaim equipment, caustic recirculation equipment, and resin filter presses. Finally, the Sherwin-Williams Company failed to renew its operating permit for resin plant boilers, and the company did not obtain a permit modification when scrubbers were removed from service.

It is our hope that this Notice will substantially aid efforts to obtain immediate compliance.

Sincerely yours,

Gay Gulley
by

David Kee, Director
Air and Radiation Division

Enclosure

cc: Henry Henderson, Commissioner
Chicago Department of Environment

Seymour Levine
Region I
Illinois Environmental Protection Agency

Mary Meyer
Bureau of Air
Illinois Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 21 1992

REPLY TO THE ATTENTION OF:

AR-18J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John G. Breen, Chairman
The Sherwin-Williams Company
101 Prospect Avenue, Northwest
Cleveland, Ohio 44115

Re: Violations of the Clean
Air Act, Emissions of Volatile
Organic Material from the Chemical
Coatings Paint and Resin facilities
in Chicago, Illinois

Dear Mr. Breen:

The enclosed Notice of Violation (NOV) is issued this date pursuant to Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. Section 7413(a)(1), to notify the Sherwin-Williams Company that the Administrator of the United States Environmental Protection Agency (U.S. EPA) finds the Chemical Coatings Paint and Resin facilities, located at 11541 South Champlain Avenue, Chicago, Illinois, to be in violation of the Illinois State Implementation Plan.

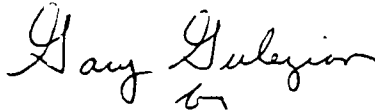
Section 113 of the Clean Air Act provides U.S. EPA with several enforcement options including the issuance of an administrative order or the commencement of civil or criminal actions. In addition, Section 120 of the Act, 42 U.S.C. § 7420, provides for assessment and collection of noncompliance penalties, and Section 306 of the Act, as implemented by Executive Order 11738 and 40 C.F.R. Part 15, provides that facilities in noncompliance with the Act may become ineligible for Federal contracts, grants or loans. The enforcement options elected may be dependent, among other things, on the length of time required to achieve and demonstrate continuous compliance with the applicable rule cited in the enclosed NOV.

We are offering you an opportunity for a conference to discuss the violations which are the subject of this NOV. The conference will afford you an opportunity to present information describing specific actions that the Sherwin-Williams Company has taken or can take by dates certain to ensure that it will be in continuous compliance with the applicable rules. Acceptable proposals that the Sherwin-Williams Company advances in this respect will help to expeditiously resolve this matter. If the Sherwin-Williams Company is unwilling to commit to compliance, the U.S. EPA must consider appropriate legal action.

Appropriate technical and management personnel should be available at the conference to meaningfully discuss compliance measures and commitments.

The U.S. EPA contact in this matter is Denny Dart. Please contact her at (312) 886-1426 to request a conference. Such a request should be made as soon as possible, but no later than ten (10) days after receipt of this NOV. Any conference must be held within thirty (30) days of your receipt of this Notice.

Sincerely yours,



David Kee, Director
Air and Radiation Division

Enclosure

cc: Henry Henderson, Commissioner
Chicago Department of Environment

Seymour Levine
Region I
Illinois Environmental Protection Agency

~~Bharat Mathur, Chief~~
Bureau of Air
Illinois Environmental Protection Agency

Mary Meyer
Bureau of Air
Illinois Environmental Protection Agency

Robert C. Martin, Division Director
Environmental Services
The Sherwin-Williams Company

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
The Sherwin-Williams Company)	NOTICE OF VIOLATION
Chicago, Illinois)	EPA-5-92-R-19
)	
PROCEEDINGS PURSUANT TO)	
SECTION 113(a)(1))	
OF THE CLEAN AIR ACT,)	
42 U.S.C. § 7413(a)(1).)	

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds that the Sherwin-Williams Company (Sherwin-Williams) is in violation of the Illinois State Implementation Plan (SIP).

REGULATORY BACKGROUND

1. Illinois Pollution Control Board Rules and Regulations, Chapter 2: "Air Pollution", Part I: "General Provisions", Rule 103: "Permits", was incorporated into the Illinois SIP on May 31, 1972. 37 Fed. Reg. 10862.
2. Rule 103(a)(1) requires that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit.
3. Rule 103(b) requires that no person shall cause or allow the operation of any new or existing emission source or any new or existing air pollution control equipment, without first obtaining an operating permit.
4. On June 29, 1990, a Federal regulation revised the Reasonably Available Control Technology (RACT) rules for volatile organic compounds (VOC) contained in the Illinois SIP. The Federal revisions to the Illinois SIP were promulgated pursuant to Section 110(c) of the Act and the 1990 Amendments, and are part of the federally enforceable SIP for the State of Illinois. 55 Fed. Reg. 26814 (codified at 40 C.F.R. § 52.741).

5. Pursuant to 40 C.F.R. § 52.741(s), all paint and ink manufacturing plants located in the six-county subject area, which have maximum theoretical non-CTG emissions of 100 tons or more per calendar year, if no pollution control equipment is used, or which produce more than 2,000,000 gallons per calendar year of paint or ink containing less than 10 percent by weight water, are subject to the provisions of 40 C.F.R. § 52.741(s).
6. Pursuant to 40 C.F.R. § 52.741(s)(1)(i)(B), paint and ink manufacturing plants which produce more than 2,000,000 gallons per calendar year of paint or ink formulations which contain less than 10 percent (by weight) water, are subject to the requirements of 40 C.F.R. § 52.741(s).
7. Pursuant to 40 C.F.R. § 52.741(s)(7)(i), each pump shall be checked by visual inspection each calendar week for indications of leaks.
8. Pursuant to 40 C.F.R. § 52.741(s)(7)(ii), pumps which are found leaking are to be repaired no later than 15 calendar days after the leak is detected.
9. Pursuant to 40 C.F.R. § 52.741(s)(7)(iv), when a leak is detected, the owner or operator shall record the date of detection and repair, and the record shall be retained at the plant for at least two (2) years from the date of each detection or repair attempt. Records are to be made available upon request.
10. Pursuant to 40 C.F.R. § 52.741(s)(4)(i), all mills, tanks, vats or vessels must be equipped with covers which completely cover the mill, tank vat or vessel opening, except for an opening no larger than necessary to allow for safe clearance of a mixing shaft.
11. Pursuant to 40 C.F.R. § 52.741(s)(4)(iii), covers on mills, tanks, vats or vessels must be maintained in good condition such that, when in place, the cover maintains contact with the rim of the opening for at least 90 percent of the circumference.

FACTUAL BACKGROUND

12. Sherwin-Williams owns and operates a paint and resin manufacturing facility at 11541 South Champlain Avenue in Chicago, Illinois.
13. Sherwin-Williams is located in Cook County, one of the six counties covered by the Federal revisions to the Illinois SIP.

14. The Sherwin-Williams facility in Chicago, Illinois has maximum theoretical non-CTG emissions of more than 100 tons per calendar year, when no pollution control equipment is used. In addition, Sherwin-Williams' Chicago facility produced more than 2,000,000 gallons per calendar year of paint or ink containing less than 10 percent by weight water during the last five (5) production years. Sherwin-Williams is, therefore, subject to the provisions of 40 C.F.R. § 52.741(s).

FINDING OF VIOLATION

15. In violation of SIP Rule 103, Sherwin-Williams failed to obtain Construction and Operation Permits for 27 storage tanks.

<u>#</u>	<u>location</u>	<u>gallons</u>
1	198-1	10000
2	198-1	10000
3	198-1	10000
4	198-1	10000
5	198-1	10000
226	245	23500
231	245	10000
228	245	10000
250	245	7000
222	yd A	51200
603	yd A	35000
690	yd A	10700
698	yd A	150000
699	yd A	7500
1	Bldg 41-42	5000
2	Bldg 41-42	5000
3	Bldg 41-42	5000
4	Bldg 41-42	5000
S	50-4	70000 (pounds)
N	53-4	70000 (pounds)
367	90	5000
368	90	5000
369	90	12300
370	90	12000
371	90	12000
R-4	65-3	22000
R-4	65-3	50000

16. In violation of SIP Rule 103, Sherwin-Williams failed to obtain Construction and Operation Permits for paint and resin final product filling equipment.
17. In violation of SIP Rule 103, Sherwin-Williams failed to obtain Construction and Operation Permits for solvent reclamation equipment.
18. In violation of SIP Rule 103, Sherwin-Williams failed to obtain Construction and Operation Permits for caustic recirculation equipment.

19. In violation of SIP Rule 103, Sherwin-Williams failed to obtain Construction and Operation Permits for resin filter presses.
20. In violation of SIP Rule 103, Sherwin-Williams failed to obtain Construction and Operation Permits modifications when scrubbers were removed from kettles 1 and 8.
21. In violation of SIP Rule 103(b), Sherwin-Williams failed to renew its operating permit for the resin plant boilers.
22. In violation of 40 C.F.R. § 52.741(s)(7)(i), Sherwin-Williams failed to conduct four weekly leak detection inspections in January 1992.
23. In violation of 40 C.F.R. § 52.741(s)(7)(ii), Sherwin-Williams failed to repair four leaking pumps within 15 days after the leaks were detected.

<u>pump #</u>	<u>date detected</u>	<u>date repaired</u>	<u># days before repair</u>
1-22	07/18/91	01/19/92	185 days
50	07/09/91	08/01/91	23 days
1-34	07/18/91	01/19/92	185 days
65	12/13/91	01/02/91	20 days

24. In violation of 40 C.F.R. § 52.741(s)(7)(iv), Sherwin-Williams failed to record the repair date for 91 pump leaks.
25. In violation of 40 C.F.R. § 52.741(s)(7)(iv), records of repairs are not kept by Sherwin-Williams in a form that can be made available upon request.
26. In violation of 40 C.F.R. § 52.741(s)(4)(i), Sherwin-Williams operated three tanks without lids: F-1, F-2, and F-3. Each of these tanks has a capacity of more than 12 gallons, and contains volatile organic material.
27. In violation of 40 C.F.R. § 52.741(s)(4)(iii), Sherwin-Williams operated tanks over 12 gallons, containing volatile organic material, which were equipped with cardboard covers. Cardboard is not an adequate material to assure the covers will be maintained in good condition, such that, when in place, the cover maintains contact with 90 percent of the rim.

NOTICE OF VIOLATION

28. The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and Sherwin-Williams that the facility described above is in violation of the federally enforceable SIP for the State of Illinois as set forth in this Notice of Violation.

Date: SEP 21 1992

Gay Duley on
David Kee, Director
Air and Radiation Division